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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,543

03/17/2004

Chun-Tung Tsuo

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34283 7590 04/19/2007  
QUINTERO LAW OFFICE, PC  
2210 MAIN STREET, SUITE 200  
SANTA MONICA, CA 90405

EXAMINER

DUONG, TAI V

ART UNIT

PAPER NUMBER

2871

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/802,543

Applicant(s)

TSUO ET AL.

Examiner

Tai Duong

Art Unit

2871

-- The **MAILING DATE** of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 19, 20, 22-25, 32, 36, 37 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19, 20, 25, 32, 37, 39, 40 and 42 is/are allowed.
- 6) ☐ Claim(s) 1-8, 10-12 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 9, 22-24, 36, 41 and 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Claims 22, 23, 36 and 41 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 22, 23, 36 and 41 replace a part set forth in the claims on which they depend. Independent claim 19 recites the fastening portion is extended from the peripheral portion for a predetermined distance and bent to the back of the receiving portion (the L-shaped protrusion of Fig. 6A) while dependent claim 22 recites the fastening portion is *disposed on* the receiving portion and dependent claim 23 recites the fastening portion is a post, a bridge-shaped protrusion, or a circular protrusion. Independent claim 32 recites the connecting portion is an L-shaped protrusion while dependent claim 36 recites the connecting portion comprises a screw post, disposed on the receiving portion. Independent claim 39 recites the L-shaped protrusion (the connecting surface connecting to the arm substantially extending to a back of the receiving portion) while claim 41 recites the connecting portion comprises a screw post, disposed on the receiving portion.

Claims 19 and 24 are objected to. In claim 19, the recited phrase "a part of the fastening portion is positioned on the receiving portion or extends to a back of the receiving portion" appears to be redundant with the recited phrase "the fastening portion is extended from the peripheral portion for a predetermined distance and bent to the back of the receiving portion". The recited phrase "the fastening portion is disposed in the vicinity of the peripheral portion" of dependent claim 24 appears to be redundant

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with the recited phrase "the fastening portion is extended from the peripheral portion for a predetermined distance and bent to the back of the receiving portion" of independent claim 19.

The indicated allowability of claims 1-8, 10-12 and 37 is withdrawn in view of the newly discovered reference(s) to Cho et al (US 6,411,501) and Kim et al (US 6,501,641). Rejections based on the newly cited reference(s) follow.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, 10-12 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Cho et al (US 6,411,501).

As to claims 1, 4, 7 and 10-12, note Figs.5-8 which identically disclose the claimed flat panel display comprising: a housing 30, a panel module 10 having a front frame 16a, a rear frame 16b, and a panel 12, the front frame being assembled with the rear frame to encase the panel, the rear frame having at least one connecting portion 15, and a part of the connecting portion being covered by the panel; and a main bracket (20b, 21, 22) disposed in the housing, connecting the housing 30 and the connecting portion 15 of the rear frame 16b (col. 5, line 28 – col. 6, line 21). As to claims 3, 5, 6, the limitations "formed by lancing and bending the rear frame", "the connecting portion is formed by slitting and pressing the rear frame", and "the connecting portion is formed by deep drawing of the rear frame" are *product-by-process* limitations. These product-by-

process limitations have not been given patentable weight in the product claim. It has been recognized that "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). As to claim 43, note Fig. 9 which discloses the connecting surface and the protrusion of the connecting portion 15, a L-shaped bracket (21, 22), disposed between the connecting portion 15 and the housing 30, and the connecting portion and the housing are respectively connected to the bracket at different locations (27, 28).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho et al (US 6,411,501) in view of Kim et al (US 6,501,641).

The only difference between the flat panel display of Cho et al and that of the instant claims is the connecting portion of the rear frame being fixed to the main bracket by screws. However, Kim et al disclose in Fig. 8 that it was known to employ the connecting portion 15 of the rear frame 16b being fixed to the main bracket 24 by screws 18. Thus, it would have been obvious to a person of ordinary skill in the art in

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view of Kim et al to employ in the flat panel of Cho et al the connecting portion of the rear frame being fixed to the main bracket by screws as the alternative fastening device for securely fixing the rear frame to the main bracket.

Claims 19, 20, 24, 25, 32, 37, 39, 40 and 42 are allowed over the prior art.

Claims 9 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
TVD

04/07

  
TOAN TON  
PRIMARY PATENT EXAMINER